

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

NATHANIEL BROWN,

Defendant-Appellant.

UNPUBLISHED

May 26, 2009

No. 284852

Wayne Circuit Court

LC No. 07-021144-FH

Before: Fitzgerald, P.J., and Talbot and Shapiro, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of possession of marijuana with intent to deliver, MCL 333.7401(2)(d)(iii), and possession of a firearm during the commission of a felony, MCL 750.227b(1). Defendant was sentenced to three years' probation for the marijuana conviction, and to two years in prison for felony-firearm. Defendant appeals as of right, challenging only the sufficiency of the evidence. We affirm.

Defendant disputed testimony by officers that he was found sitting at a table strewn with marijuana, a handgun, and paraphernalia when a search warrant was executed. Also, contrary to testimony by police officers, defendant denied that his W-2 form was found under a mattress in a bedroom, and that keys to the house were found in his right pocket. Defendant claimed that he lived at the address shown on the W-2 form, which was a different address than that searched. Moreover, he points out that the first officer to enter the premises acknowledged that defendant was not touching the items on the table. Further, defendant points out that there was no fingerprint evidence. Defendant claims that these latter factors would negate a reasonable finding of dominion and control over the marijuana and the handgun.

A challenge to the sufficiency of the evidence requires that the evidence be viewed in a light most favorable to the prosecution to determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 268-270; 380 NW2d 11 (1985). Factual conflicts must be viewed in a light favorable to the prosecution. *People v Wolfe*, 440 Mich 508, 514; 489 NW2d 748, amended 441 Mich 1201 (1992). Circumstantial evidence and the reasonable inferences that arise from the evidence can constitute satisfactory proof of the elements of the crime. *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999). We should not interfere with the factfinder's role of determining the weight of evidence, the credibility of witnesses, the inferences that can be fairly

drawn, and the weight to accord inferences. *Id.*; *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002). The prosecution need not negate every reasonable theory of innocence, but must prove only its own theory beyond a reasonable doubt in the face of whatever contradictory evidence the defendant provides. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

The police officer's testimony that defendant was sitting at the table in proximity to the marijuana and firearm, coupled with the officer's testimony regarding the recovery of the W-2 form in the bedroom and the keys in defendant's pocket, was sufficient to give rise to a reasonable inference that defendant was exercising dominion and control over the marijuana and firearm. The trial court was free to discount defendant's testimony to the contrary.

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Michael J. Talbot
/s/ Douglas B. Shapiro